briefly some of the prominent provisions

of the articles of agreement by which the

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NERVOUS Seminal Losses, Night Emerions, Loss of Vital Powers, Sleeplessness, Depondency Loss of Memory, Confusion at Biens, Lassitude, Ghominess, Depression of Phirits, Aversion to Society, Easily Discourage, Lack of Confidence, Dull, Listless, Ugin for Study or Business, and finds life at barden, SAFELY, PERMANENTLY and PHIVATELY CURED.

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BLOOD AND SAFELY, Bloods, SAFELY, PERMANENTLY and PHIVATELY CURED without file use of mercury. Scrofula, Erystpelass, Fer Sores, Blotches, Pimples, Ulcers, Pairs in the Head and Bones, Syphilitic Sore Tisont, Mouth and Tongne, Catarth, Ede., PERMANENTLY CURED WHEN OTHERS ME FAILED.

Frequency of Urinsting, Urine high colored or with milky sediment on standing, Gonorrhoza, Gleet, Cystitis, etc., promptly and safely cured. Charges reasonable.

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A SURE CURE The awful effects of brings Organic Weakness, destroying both mind and body, with all its dreadful lils, permanently cured.

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Is based upon facis. First-Practical experience. Second-Every case is especially studied, thus starting aright. Third-Medicines are prepared in our laboratory cractly to suit each case, thus effecting cures without injury.

See Send 6 cents postage for celebrated works on Chronic, Nervous and Celicate Diseases. Thousands cured. 43-A friendly letter or call may save future suffering and shame, and add golden years to life. 23-No letters answered unless accompanied by 4 cents in stamps. Address or call on

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### THE DRISKILL, AUSTIN, TEXAS. Under new management. The finest equipped Hotel in the South. Table unsurpassed.

J. M. DAY, Owner and Proprietor.

THOS. LORD, Manager.

BUSINESS COLLEGE The Cental College at Waco reserved all bonors of leges last year at the Dellas Fair, and jointly with our Dallas College it was awarded the anno honors at the table Tall with an additional diploma for pen wor also the gold medal at the San Antonio Fair. These are high standard institutions of catalogue and journal free. Address. R. H. Hill, Pres., Waco and Dallas, Tex

#### WACO.

War to be Made on the Gamblers-A Romantic Marriage-A Postmaster's Son in Trouble. Breeigl to the Gazette.

WACO, TEX., Dec. 22.-George P. Diehl the restauranteur whose marriage Thursday was disturbed by warrants for his arrest was acquitted of assault upon his stepson and the case against him for swindling was dismissed by the magistrate who found upon preliminary examination that there was no evidence of fraud.

Deputy Marshal J. H. Bull arrived this evening from Temple with Gracie Davis, a young lad, the son of the postmaster at Oenaville, Tex. The boy is charged with robbing the postoffice at Oenaville.

E. M. Myrick of and Miss Leona Mr. Mann of Missouri were married this evening by Dr. M. G. Connor. The bride arrived on the south-bound Missouri Pacific and was met at the depot by the groom, from whence they were driven to the minister's residence, where the cere-mony was performed. It seems to have been quite a romantie match.

Sheriff Ford to-day received the following official letter from Joe Taylor, the new county attorney. WACO, TEX., Dec. 22, 1888.

Mr. Dan Ford, Sheriff:

DEAR SIR-I am informed that during the past twelve months the offense of gaming in its various forms has permitted this city openly and without attempt to prosecute the same except at stated periods, these periods being twice a year, during the sitting of the grand jury. It Is a matter of common report that there are now, and have been in the past year or more, four open public unscreened, readily accessible, unlocked gambling houses conducted in the city without let or hindrance from any source. In compliance with a sense of duty to see that the laws are faithfully and honestly executed, I respectfully call your attention these facts and urgently request your full and complete co-operation to the end that this evil may, by official action, at least be driven into secret

truly, [Signed] County Attorney McLennan County. Sheriff Ford says he will certainly see that the wishes of the county attorney, as expressed in the letter, are carried out to the letter, and thus commences a war on the gamblers.

places, if not totally eradicated. Yours

JOE W. TAYLOR,

Another meeting to-night was held by suburban residents who are opposed to that part of the new city charter which ses the extension of the corpo ation line. A permanent organization effected and an executive compattee appointed to manage the fight alature.

Writing Desks and Book Cases addex & Ellison's, the Combined at popular furn are dealers. Give your friend one of these for a holiday present. Give your

#### DRAMATIC DOINGS.

A Week's Review of Greenroom Gossip for the Theater Goers.

William A. Mestayer has perpetrated still another comedy. He calls it "The Plug Hat." "Sweet Lavender" is crowding the

Lyceum theater, New York, at every performance. J. K. Emmet says that his present tour of "Fritz, Our Cousin German," is

his last in that piece. J. W. Ransome has a new play called 'Is Marriage a Failure?'' which he will out on the road next season.

Isabella Irving, "the young English actress, " who has joined Daly's company, was born in Bridgeport, Conn. William O'Connor, the oarsman, who lately defeated John Teemer, has been

engaged for the regatta scene in "A Dark Secret. Mrs. C. A. Doremus is at work on a new soubrette play for a well-known star. It will probably be tried in the

west next month. Mary Anderson is understood to have cluded an engagement for another American tour next year under H. E.

Abbey's management. James Reilly, the German comedian, will star next season in a new play written expressly for him, under the di-

rection of M. Witmark & Son. Charles Puerner's new opera, "The Royal Tramp,' will be put on the road shortly. The libretto is by William Gill. "The Pyramid" may also be revived this season.

The first matinee performance ever given at Taylor, Tex., occurred December 11, at the Treadgill opera house, the and Mr. Barrett have had miraculous Weston Bros.' Co., appearing in "The Ways of the World."

Dion Boueleault has consented to direct the rehearsals of Jessop and Townsend's new play, "Miles Aroon," to be produced in Philadelphia by William J. Scaulan on Christmas eve.

During his recent trip to London, Manager H . C . Miner secured the American rights in ''Union Jack,'' now at the London Adelphi, with William Terriss and Jessie Milward in the cast.

Gilbert and Sullivan are at it again. This time they will try to be amusing, and it is also rumored that they have chosen an American subject. The name of the opera is "The Puritan Maid."

away out in Wichita, Kas. Being only a you say that strong dramatic art has had country girl she probably will not mind milking and looking after hogs and poultry until she secures another engage-

"Washington Life" lived three days, and now rests in that big theatrical gravoyard that seems already full, yet always has room for more. It was written by the woman who claims the authorship of "The Wife."

"The Henrietta" has hurt another actress be compelling her to sit down heavi-by on the floor. Selina Fetter had to leave the company on account of her injuries, and now Ellie Wilton has retired from the cast for the same reason.

Minnie Palmer is back again full of youth, beauty, enthusiasm and genius. She had the crowned heads of Europe at her feet, and her fresh stock of diamonds was contributed by the nobility of Eugland as an act of homage to her graces. David P. Steele, formerly well known for his elever work in Evangeline and The Corsnir, is playing the title role in The Private Secretary through the west. May Steele, his wife, assumes the leading juvenile role. Mr. Steele opens in New Orleans on the 16th.

Annie Pixley met with'a hearty reception from the newsboys of Pittsburg, Pa., December 14, to whom she had iven a special invitation to 'Zara, ' About 200 of the fraternity were present, and an enormous bouquet was presented the kind-hearted star by George Riley on behalf of the boys.

Berkley-Olive Berkley is to recite before the Prince of Wales at the opening of the new Lyric Club, on Sunday next The little American girl, who is not yet nine years old, is becoming a favorite in London drawing rooms. She is also to appear during the season as Editha, in Editha's Burglar, at the Globe, under Richard Mansfield's management.

Fannie Bloodgood is nothing if not original. She has struck it new and unique this time, and says there is nothing like grains to make a hit with. This little lady has instituted a wide departure from the usual run by having five of her teeth filled with diamonds instead of the customary substance for such needs. She may be well named now as the soubrette with the brilliant mouth.

E. M. Gardiner's "Zozo" Company (southern) stranded at Louisville, Ky. December 8. Several people were left in very straightened e reumstances. Annie Jaynes, who played the Queen, and Emma Way, a chorister, had to pawn their trunks to reach Philadelphia, Pa. Upon reaching that city they immediatey sought a lawyer and threatened suit. Mr. Gardiner settled without a suit, Miss Jaynes receiving \$374 and Miss Way \$60, the full amount of their claims.

Mrs. James Brown Potter dresses very elegantly, and will pay \$4000 for the cos-tumes she wears in "Cleopatra," and her dresses for the senson will probably cost between \$12,000 and \$15,000. Mrs. Langtry is another exceedingly richly dressed lady, and Lotta also spends a great deal of money on her costumes, which, though they are simple and not at all showy, are made of the most exquisite and dainty material. Mary Anderson has her dresses designed by Alma Tademy, and the designs are carried out under her own personal supervision. Many actresses spend from \$1000 to \$15 ,-000 a season for their costumes.

In the presentation of "The Stowaway,'' at the Haymarket, Chicago, a new departure is proposed in the way of "supers." It has been customary to use street hoodlums for this purpose. These gentry are in the habit of conducting themselves roughly in the wings and often mar a performance by talking loudly behind the scenes. This is to be abated in "The Stowaway" by the engagement of ten mutes to appear in the first act, a London street scene. A code of signals has been perfected by the stage manager, by which their movements will be directed in a proper manner. Mutes have never before taken part in theatrical performances in this country, but in London a couple of years ago "Hamlet" was played by a deaf-mute dramatic company. Deaf mutes would certainly be an improvement upon not a few actors on the American stage.

Edwin Booth and Lawrence Barrett are in the fourth week of their engagement at the Fifth avenue theater, New York, where handsome and costly revivals of "Othel-lo" and the "Merchant of Venice" continue to be visited by large audiences. Last week the receipts at this house were.

it is reported, over \$17,000 for each performance, including the special matines on Thanksgiving day. So many requests have been made for "Julius Cæsar" that Messrs. Booth and Barrett have decided to revive that play.

The New York papers which started the report that all agree in denying Booth and Barrett are to separate, saying that they will continue together next season at least and probably longer. Again, Barrett is quoted as saying: "We think of adding several pieces, such as 'Richelieu,' to the repertoire next season. Of course, in such plays there is but one great figure, and in them Mr. Booth will be seen without me. We shall appear together during the first part of the season and while Mr. Booth is acting Mone I shall manage the affairs of the organiza-tion. Toward the close of the season Mr. Booth and I will again appear to-

Edwin Booth and Lawrence Barrett can be seen walking arm in arm down Broadway every night after the performance. It is their regular practice before retiring. Each wears, a high, shiny silk hat and a long ulster of soft, dark cloth reaching to his heels. They are generally in good spirits, and laugh and chat pleasantly about things outside of their profession and call each other Edwin and Larry. They are no longer stern and dignified tragedians then. They are gental and loveable men, overflowing with good humor and kindness.

This chaste tribute to high art appeared as an editorial in the New York Herald: "You say the people don't care for the legitime drama any more, and are 'pleased with the rattle, tickled with the straw' of burlesque and farce, tin thunder, transformation scenes, and houses, and have continued to draw as steadily as a six-horse team. They are equally good in single or double harness, and whether it is Booth or Barrett singly, or both of them together, they are sure of a large audience.

"Miss Mary Anderson, too, in 'Winter's Tale' is delighting New Yorkers. They go once, then a second time, and then all the time. There is no claptrap about the play: it is all full of honest work. Of course we like to laugh, and there is something about the minstrels and a travesty and an extravaganza which helps to drive dull care away. We split our heads against hard, finty business all day, and it does us good to split "Only a Country Girl" has stranded our sides with jollity at night. But when its day-why, you are mistakin, that's

A smooth-faced, elerical-looking man appeared before the mourners and friends that were gathered about the open grave of Alice Hastings at the Odd Fellows cemetery in Philadelphia the other day. He rend the Episcopal burial service impressively, and at its close dolivered a outhing address that vibrated with tender feeling.

"Who is the clergyman?" many asked.

They were surprised to learn that it wasn't a clergyman at all, but an actor -Frederick Warde-who, as a friend of the dead woman, performed these last offices.—[New York Mirror.

Maurice Barrymore, whose recent ere-ation, "Captam Swift," is being much talked about, is a man of extraordinary characteristics. He is as well, if not better, known in London than he is in America, and he is more popular in Texas than he is in Boston. For a long time he was champion middle-weight boxer of Great Britain among the ameteurs, series of scraps that he has engaged in in America have enhanced his notoriety. He is a man of superb physique, and is probably more admired by the men than he women-particularly by men who have some knowledge of athletics. Barrymore has not the dress-coat symmetry of a Keley, Belley, or a Charles Coghlan. but he has a breadth of shoulders, a thickness of arm and leg and a springiness of carriage that go far toward indicating that he has the strength that most men long for. Despite his numerous rows, he is not a man of surly or belligerent disposition. Perhaps his extraordinary physical development explains the fearlessness with which he accepts anything in the nature of a row that comes along .- [New York Sun .

A FIRST-NIGHTER. General William T. Sherman is always

to be found at the theater. One of the most prominent regular theater-goers in New York is General William T. Sherman, He is a constant "first-nighter" and frequently visits two or three theaters in one evening. He is also an excellent Mitie, and his judgment is sustained as a rule. His taster run toward Shakespearean plays, however, and especially those produced by Booth and Barrett, for whom he has a warm personal friendship. An instance illustrating the depth of this friendship occurred about three years ago in Washington, when Lawrence Barrett announced a production of "Rienzi" in that elty. General Sherman was in New York at the time, but as soon as he heard of it he took the first train to the Capitol City and began an nctive canvass in Mr. Barratt's interest, First, to scoure 125 department clerks to act as supernumeraries during the engagement, and then induce the president and his cabinet, all of the foreign representatives and a small army of senators and congressmen to be present on the first night. he occasion was consequently a brilliant one, for every seat in the hous was occupied by prominent statesmen and their families, all in full dress, General Sherman is proud of his success as a theatrical manager in this instance, and frequently refers to it goodhumoredly whenever he pays a visit to Mr. Barrett, in his rooms at the Hoffman House .- New York Tribune.

TONY PASTOR'S FIRST SHOW-A CHAT WITH THE OLD SHOWMAN .

"When a youth," says Tony Pastor in the Christmas Mirror, "I traveled with Mable's Circus, and the sight of thousands of people struggling at the wagons eager to exchange money for tickets of admission, roused in me the fire of speculation, and gathering my boyish possessions I raised capital to purchase a peep show, which consisted of a small collection of pictures, with the lenses and lights to produce the wonderful effects of night and day by turning the lights up or down. This 'Grand Tour Around the World' was six cubic feet in bulk and stood on a pair of trestles such as carpenters the whole gaudily decked with red, white and blue muslin and equipped with peep holes on the four sides. The price for a glimpse of the splendors within was a sixwhich included all the views and the before-mentioned wonderful day and night effects. I set up my show on a street adjacent to the circus lot and began to 'blow,' as the circus method of attracting trade is designated in the vernacular of the arena. I extolled the beauties of my entertainment in superla- | to be found

tive terms; 'the jays' gathered around and 6-pences began to jingle in my pockets. As the pile of shekels grew heavier, my spirits grew lighter, and the visions of brown-stone fronts and boxes at the opera, seaside villas and grand equipages chased each other across my mental vision. But my dream was short. I was brought back to reality by a rude rustic. who lifted my curtains and in other ways examined my property with an unpleas-

ant familiarity. " Peep show, sir-all the wonders of the world-only a sixpense,' " 'Make much money with it?" he

nsked. " 'Money? Yes, sir-r-re, lots of it."

" Ah! Have you a license?"
" License? Well-er-I-er-I-erdon't need any, you know-not for this.' "Oh, I guess you do! he said, and furning back his coat, displayed a badge as big as a pie plate, on which was the legend 'Constable.' '' Now, young

man, I want \$4 for your license.'
'I tried to explain. I offered him a
dead head view of my show. He took
that, but still demanded \$4. I sat down to count my day's receipts. They were just \$2.94. I offered him that, but he insisted on the full amount, and seeing that I could not or would not pay, he grasped my peep show and carried it to the town hall where I learned it was sold for 75 cents. Thus ended my first ex-perience as a manager, and for years I hesitated to launch my bark again on the troubled sea of finance. I have never forgotten since then to have a front seat for the man who collects the local license.

COQUELIN AND HADING.

A FEW WORDS AND ILLUSTRATIONS OF THE TWO GREAT PERSONAGES.

THE GAZETTE prints in this column the pictures of M. Coquelin and Jane Hading, the two stars that have made such a hit in the theatrical world. They are so well known to the public that a description of them and their great work is not



The St. Louis Republican in speaking of their performance in that city says: Neatness distinguishes M. Coquelin's art at all times. He has a beautiful modulated voice and reads superbly. He has a most expressive face, every line of which can be made to speak for itself; and his by-play is a revelation. Remembering, furthermore, that he has made a life study of these several roles, has weighed every gesture, considered every intonation, debuted every accent, every posture, every step, and the artistic finish he gives his portrayals need not be wondered at

M. Coquelin is the perfected product of by time, and there is no reason why the s no reason, further, why anyone with a fair amount of native merit to start with should not become an M. Coquelin-if M. Coquetin's theories are correct



It might be profitable to inquire why the limitations of Mme. Hading's power are so noticeable; why, if instruction can do all that M. Coquelin claims for itand by instruction is meant that which is taught by study, observation and experience-Mme, Hading should not have been able to reach the estate of a great emotional netress? Why she should be so plainly defective in the direction of natural pathos, for instance? If natural pathos may be acquired-strange contractions of terms-why has Mme Hading not required it, living in the shadow of truditions in which M. Coquelin finds a substitute for inspiration? As a matter of fact, training will broaden and develop, will refine and direct gright but It will not add a particle to the inherent, inborn ability to act which an actor or actress may possess. Poeta nascitur, non fit. American sopranos with narrow chests and their voices have gone to Italy to study under the maestros and have come back with the same chests and with voices which have gained in cultivation but not Even the Italian maestro could not endow a prima donna with a voice.

Terrell.

Special to the Gazette. TERRELL, TEX., Dec. 22.—The streets of Terrell have hardly ever been so crowded as they have been to-day. Moore avenue was so packed as to require the greatest effort to pass up the street one block onfoot, much less with a vehicle of any kind. There have been immense retail sales to-day, especially of such things as are intended for Christmas times The cotton receipts to-day have been

very good; better than for some days past. The etton is not all in vet.

bedges in suits at same n suits at Maddox A carload & Ellison's. irt. All kinds of fancy and as cheap novelties su for holiday presents are

### SUPREME COURT.

Opinion in Full in One of the Most Important Cases in the Texas Courts.

Celebrated Sult Instituted by Attorney General Hogg Against the Rallways Composing the Texas Pool.

Correspondence of the Gazette. TYLER, TEX., Dec. 22.—Gulf Colorado and Santa Fe Railway et al., vs. the state of Texas; appeal from Travis. This suit was brought in the name of the state by her attorney-general to restrain certain railroad companies engaged in operating lines within the state from carrying out an agreement entered into by them, which they committed to a body of representatives of the companies the power to fix the rates for which freight should be carried to or from points within the state, The theory of the state's case is that the parties to the agreement are parallel and competing lines, and that the association formed by it is prohibited by section 5, article 10 of the constitution, which provides that "no railroad \* \* \* or managers of any railroad corporation shall consolidate the stock, property or franchises with \* \* or in any way contract any railroad corporation owning, or having under its control, parallel or competing line." The first assignment of error is that "the court erred in finding that many of the ralirond companies defendant, own and control parallel and competing lines; because, as defendants chaim, there is no such admission in their answers, nor is there such an allegation in the state's petition, except that defendants are averred to be made parallel and competing lines by the action of said Texas Traffic Association.'' Under this assign-

ment we will first consider the allegation in the petition. The petition alleges the authority by which the respec-tive charters of the defendant corporations were granted; and defines the lines of railroad respectively operated by them, and their charges, "that the lines so owned and operated by the defendants are the main trunk lines and leading railways in Texas, and so traverse the state as to touch and penetrate her commercial centers, and be-come and are lawful competitors for the country's traffic, concentrated in the cities aforesaid.'' After alleging the formation of an executive committee of the ''Traffic Association,'' by the agreement, the carrying out of which is sought to be restrained, the petition also avers "that each said execcutive committee, and each of the employes of said association, is an officer of each and all of the defendants \* \* \* and are in common employed and paid by them, and that each of sald railroad companies is a competing line for Texas traffic and trade.' Also re-ferring to the association formed by the agreement, the petition charges, "that said railway companies by their said conspiracy, contract, combination and copartnership, have formed a consolidation of parallel and competing lines, etc." The exceptions to the petition are upon that would have been raised by a general de-murrer. There is no exception on account of vagueness or indirectness of the allegations. In the absence of such exceptions every reasonable intendment must be indulged in favor of the sufficiency of the petition. [See District Court Rules 17 and 18, 47 Texas-48 Texas, 108.] We think it sufficiently appears from the allegations quoted above that the defendant companies are alleged to this formulative process of his and his son is a type of the unfinished. The one is ripe with experience and fully matured further question is presented whether from the admissions in the pleadings and other should not eventually become a du- facts of which the court could take indipliente. So far us can now be seen there | cial action, it was authorized to make the complained of in finding first assignment of error. The case was submitted to the court for

final disposition upon the petition, the

answers and the supporting affidavits. The

answer of the Gulf. Colorado and Santa

Fe Railway formally admits all allegations of the petition which are not therein specifically denied. The St. Louis, Arkansas and Texas Railway and the Fort Worth and Denver Railway adopt the answer of the Santa Fe Company. answers of these defendants do not deny that the roads of the defendant companies are parallel and competing lines. Therefore the fact may be considered as established as to them. On the other hand, the other defendants in their answers deny all the allegations of the petition not specially admitted in such mswers; and we find in their pleadings no admission that any one of the railroads is parallel to, or a competitor for traffic with any other. Unless, therefore the court could know judicially that two or more of the roads which were operated by the bers of the association were parallel or competing lines, the finding was not warranted against the last named defendants. Whether two roads which intersect each other at a certain point are competitors for freight or not, must depend upon a variety of circumstances not known to the court. But we must take notice of the geography of the state and at least of 1st navigable streams. It a matter of history that important lines of railroad once established, have remained as fixed and as permanent in their course as the rivers themselves. They supercede in thomain all the modes of travel between the points which they touch, and become as well if not better known than any other geographical feature of the country. Their reality geographical Their Reality feature of the ca becomes "note For instance Gulf, Cole and Can we doubt that they run during a considerable portion of their lines practically parallel to each other, and that they must necessarily compete for the traffic lying between them? We think we must take judicial notice that these two roads are parallel and competing lines, and this is sufficient so far as the disposition of their cases is concerned. We are of opinion that the findings would have been sufficient to support the judgment if it had been that but two of the defendants were competitors with each other for traffic. The same may be said as to portions of the lines of the Texas and Pacific Railway, and of the St. Louis, Arkansas and Texas Railway, which exto Texeyes to the ''notorious and undisputed facts that these parts of the respective lines touch at the same points, and that they are natural competitors for the traffic of a large scope of country. Under

tend from Sherman to nrkana. We cannot shut the next succeeding arraignments of errors it is insisted by counsel for appellants that the agreement in controversy, which establishes the 'Texas Traffic Association,' is not violation of section five, artitele ten, of the constitution. In order to determine this question we will give

association is created, among the purposes stated in the preamble is that 'of preventing sudden and extreme fluctuations in Texas rates, alike injurious to the public, and the transportation companies. ' Article 1 provides "that the traffic subject to this agreement shall be all freight and passenger business except express and mall carried by lines, parties hereto which has origin or destination in the state of Texas other than business to or from El Paso, Eagle Pass and Laredo proper. " menaging body of the association is an executive committee composed of one member from each party to the agreement. They are to elect a commissioner who is chief executive officer. "The executive committee shall agree upon the classification and rates concerning the traffic subject to the agreement. No member shall directly or indirectly reduce rates, " etc. Any violation of the agreement is to be reported to the commissioner, who shall "check the irregu-larity if he can." "All rates, rules and regulations when adopted by agreement or by arbitration shall be simultaneously furnished by the commissioner to the traffic department for all numbers of the association, for the guidance of all the parties interested," etc. Without quoting further, we think it apparent that a leading object, if not the sole object of the association, is by the appointment of a common governing committee to fix rates of transportation so as to prevent competition among the several parties to the contract. We think it also apparent, from the language of the section of the state constitution, that its leading object was to prevent competing lines of railroad in the state from so fettering themselves by consoli-dation, lease or other agreement by which one should in any way subject itself to the control of another, so as to stifle competition for the traffic of the state. The section prohibits any railroad company, or the managers of any such company, from controlling in any way an-other company owning a competing line. If one is prohibited from making such a contract, we think two or more are prohibited, and that when one company enters into an agreement with others, any one of which owns or controls a competing line of said railroad, by which it subjects itself to the government of a body appointed by all parties to the agreement, that such company places itself under the control of the other to a definite extent, and acts in violation of the constitution of the state. The manner and extent of the control is immaterial. But it is insisted that because a unanimous vote of the committee is required involving severance; because the votes are subject to be changed in a certain manner pointed out in the agreement; because any member may withdraw upon giving ninety days' notice, and because no penality is prescribed for a violation of the articles, the agreement does not subject one road to the management or the control of another, but it is apparent that as long as one company remains a member of the association it is controled as to rates by the executive committee, and is not free to enter into competition with its associates for freights. The executive committee upon its appointment, are made to the extent of their powers, managers of all the companies, and hence, when a company subjects itself to the power of the committee by entering the association it places itself under the control of manngers of other railroads. We cannot see that the fact that a member has the right of withdrawal, or that it cannot be punished for a failure to obey the regula-tions can make any difference as to this case. But it is further argued that because it has not been shown that they have made charges for freight or passengers in excess of the limits allowed by law, their action is not Hlegal. But we do not understand that the state se strain them from illegal charges made under the direction of the association, but for doing an illegal thing in entering into and carrying out the terms of the agreement for the association. It is not quite clear to our minds, that even in the absence of the constitutional provision we have under discussion, the defendants' association could not be enjoined as being in restraint of competition and contrary to public policy. But it is further insisted that because the agreement in question concerns interstate commerce, neither the state in its political capacity nor its courts have any jurisdiction over the matter. We understand the agreement to embrace both commerce within the state and commerce between this state and other states. former might be enjoined if the latter could not. We are inclined to the opinion that if none of the corporation companies in the association owed their existences to our laws, that the state would have no power to prohibit or interfere with a contract of this character in so far as it regulates charges upon freight carried to and fro beween this and other states. [118 N. S., 557.] But we have a very different question. Several of the defendant corporations are chartered under the laws of this state. If we are correct in our conclusions we think it follows that the defendant corporations who derive their charters from the state are acting in violation of law in entering into this contract of association-some of the members of the association being competing lines of road. We think the association, being illegal as to some of the defendants, is illegal as to all. We are of opinion that the association under consideration is clearly illegal as to some of the parties to it; and that being illegal as to some it is illegal as to all, and may be restrained. The judgment is therefore affirmed. Gaines, Associate Justice.

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& Ellison's, used the goods are on canible on. Fancy clocks in great varieties are on exhibition at It. July's, the leading jeweler of Texas.

Holiday Barr

The Pharmacy Co, are closing out their stock of druggist helday goods at cost.

One of the horses used on the stage line near Albany has a heavy mustache. People who have examined the horse and the remarkable growth of hair on its upper lip say they never saw anything to equal it.

The largest shock music boxes ever brought to Texas in be seen at Hall & Heckle's music stor

Fancy Chairs for Presents.

Select one of those at Maddox & Ellison's furniture hour for a present for your friend.

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